

Electronic Acknowledgement Receipt

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International Application Number:	
Confirmation Number:	2432
Title of Invention:	APPARATUS FOR MOBILE TERMINAL DISPLAY
First Named Inventor/Applicant Name:	Jonathan DeLine
Customer Number:	24239
Filer:	Michael G. Johnston/Laura McCullen
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Attorney Docket Number:	U02-0189-35
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Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Extension of Time	PTO_SB_22.pdf	55438 08e9488a7b5b7960398e7116591b33d8ec	no	1
Warnings:					
Information:					
2	Appeal Brief Filed	Appeal_Brief.pdf	303091 231c55c0307045c386403c37754c159160c25d4	no	7
Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	_fee-info.pdf	8309 D986a6339507a2a397b07327b00109a5e3f5a7	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			366838		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Electronic Patent Application Fee Transmittal

Application Number:	10708433			
Filing Date:	03-Mar-2004			
Title of Invention:	APPARATUS FOR MOBILE TERMINAL DISPLAY			
First Named Inventor/Applicant Name:	Jonathan DeLine			
Filer:	Michael G. Johnston/Laura McCullen			
Attorney Docket Number:	U02-0189-35			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	1401	1	500	500
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 5 months with \$0 paid	1255	1	2160	2160
Miscellaneous:				
Total in USD (\$)				2660

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 <i>(Fees pursuant to the Consolidated Appropriations Act, 2006 (H.R. 4818).)</i>		Docket Number (Optional) U02-0189-35
Application Number 10/708,433	Filed March 3, 2004	
For APPARATUS FOR MOBILE TERMINAL DISPLAY		
Art Unit 2617	Examiner Marcos L. Torres	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two month (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three month (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four month (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input checked="" type="checkbox"/> Five month (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ 2160.00

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☒ Payment by Electronic Funds Transfer.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 13-4365.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.


☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/95).

☒ attorney or agent of record. Registration number 38,194.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number facing under 37 CFR 1.34. _____



Signature

Michael G. Johnston
Type or printed name

Date

09/12/2007

Telephone Number

(919) 286-8000

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36(e). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jonathan DeLine)	
Serial No.: 10/708,433)	Confirmation No.: 2432
Filed: March 3, 2004)	
Group Art Unit: 2617)	
Examiner: Marcos L. Torres)	
)	
Title: APPARATUS FOR MOBILE)	
TERMINAL DISPLAY)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEW APPEAL BRIEF IN COMPLIANCE WITH 37 CFR 41.37

Real Party in Interest

Sony Ericsson Mobile Communications AB is the real party in interest.

Related Appeals and Interferences

There are no other appeals or interferences, known to the Appellants, or Appellants' legal representatives, which will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

Status of Claims

Claims 1-3 are cancelled. Claims 4-10 are pending. The August 10, 2006 final rejection of all pending claims is being appealed herein.

Status of Amendments

There were no amendments filed after the final office action of August 10, 2006. Applicants chose to proceed directly with this appeal. All previous papers filed by Applicants have been entered.

Summary of Claimed Subject Matter

The application includes two independent claims, claims 1 and 6.

Claim 1 defines a mobile terminal comprising a housing enclosing electronic components operable to transmit and receive telecommunication signals and user input means for providing user input to the mobile terminal. A display electrically connected to the electronic components in the housing is mounted to the housing for movement from a first position where the display at least partially conceals the user input means and a second position such that the user input means is exposed and accessible to the user. A flip cover is electrically connected to the electronic components in the housing and includes user input means for providing user input to the mobile terminal. The flip cover is pivotally mounted to the housing and movable between a closed position where the inner major surface of the flip cover is opposite a outer major surface of the display when the display is in the first position and an open position. The flip cover is sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position. Display rotating means for rotating the display are interposed between the display and the pivotal mounting for allowing the display to rotate relative to the housing and the flip cover in a direction perpendicular to the axis of the pivotal mounting for positioning one of the major surfaces of the display against the inner major surface of the housing or the flip cover.

Claim 6 defines a mobile terminal as defined in claim 1 including a housing, a display, and a flip cover, and further comprising a rotational joint mounted between the housing and the display for allowing the display to rotate relative to the housing and the flip cover in a plane about an axis perpendicular longitudinal axis of the housing.

User input means on the housing and flip cover, as recited in claims 1 and 6, are described, for example, at paragraphs [0017], [0018] and [0032] of the specification for the flip cover, and paragraphs [0026] and [0032] for the housing and best seen in FIGs. 1 and 4-9.

A display rotating means is also recited in claim 1 and is described in the specification, for example, paragraphs [0022]-[0025] and best seen in FIGs. 2 and 3.

Grounds of Rejection to be Reviewed on Appeal

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0158999 of Shima in view of Mizuta (EP 1298890). The examiner correctly notes that Shima does not specifically disclose means for rotating the display for allowing the display to rotate in a direction perpendicular to the axis of the pivotal mounting for positioning one of the inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover. The examiner relies on Mizuta which, according to the examiner, discloses a mobile terminal for use in a wireless communication system comprising a rotational joint mounted between the housing and the display for allowing the display to rotate in a plane about an axis perpendicular longitudinal axis of the housing, wherein the display is mounted to the housing at a position along the longitudinal axis of the housing. The examiner concludes it would have been obvious to one of the ordinary skill in the art to combine these teachings for the simple purpose of easier view to the user.

Arguments

Applicant respectfully submits that the examiner has not made a *prima facie* case for obviousness since there is no motivation or suggestion to combine the references. Shima discloses a pivoting three-part phone. Mizuta merely shows a jackknife phone with the traditional housing and flip cover as is well known. A person of ordinary skill in the art would not be motivated by Shima to look to Mizuta to provide a rotational joint for the display.

Further, the examiner's argument is merely hindsight reconstruction in view of the presently claimed invention. Shima fails to recognize and thus realize the advantages which the Applicant has achieved in his invention, much less provide the motivation to combine Shima with Mizuta. If the features were indeed obvious, they would have been disclosed in at least one of the references relied upon by the Examiner.

Even assuming the examiner has made a *prima facie* case for obviousness, the Applicant respectfully submits that independent claims 1 and 6 patentably distinguish from the above references. Claims 1 and 6 recite, *inter alia*, a mobile terminal comprising a housing, a display movably mounted to the housing for movement relative to the housing, and a flip cover pivotally mounted to the housing and movable relative to the housing and the display. Means for rotating

the display, such as a rotational joint, is provided between the housing and the display for allowing the display to rotate. These features, with the advantages described above, are neither taught nor suggested by the references.

Therefore, Applicant believes claims 4 and 6 define a novel mobile terminal which is not disclosed by the prior art either alone or in any reasonable combination.

Claims 5 and 7-10 of the present application all depend from claims 4 and 6. In addition to the distinguishing features recited in claims 4 and 6 and discussed above, the mobile terminal of the present invention has additional advantageous features defined in the dependent claims which further distinguish the present invention over the prior art. The references do not disclose or suggest these features with their many advantages.

Conclusion

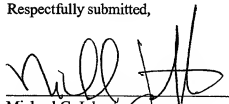
For the reasons state above, Applicant respectfully submits that the rejection standing in this application is improper. The Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103. Therefore, Applicant respectfully submits that claims 3-10 are in condition for allowance. Accordingly, the reversal of the rejection of claims 3-10 is respectfully requested.

Respectfully submitted,

Date:

September 12, 2007

By:


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Appendix

The following is a clean copy of the claims involved in this appeal.

4. A mobile terminal for use in a wireless communication system, comprising:

a housing having an inner major surface and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals, the inner major surface of the housing including means for providing user input to the mobile terminal;

a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the display movably mounted to the housing for movement relative to the housing from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and

a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable relative to the housing and the display between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position, and

means for rotating the display interposed between the display and the pivotal mounting, the rotating means allowing the display to rotate relative to the housing and the flip cover in a direction perpendicular to the axis of the pivotal mounting for positioning one of the

inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover.

5. A mobile terminal for use in a wireless communication system as recited in claim 4, further comprising a hinge connecting the housing, the flip cover, and the display, the hinge providing the axis of movement of the housing, the flip cover and the display, and wherein the display rotating means is a movable support attached to the hinge and to an edge of the display.

6. A mobile terminal for use in a wireless communication system, comprising:

a housing having an inner major surface and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals, the inner major surface of the housing including means for providing user input to the mobile terminal;

a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the display movably mounted to the housing for movement relative to the housing from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and

a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable relative to the housing and the display between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major

surface of the display and the inner major surface of the housing when in the closed position, and

a rotational joint mounted between the housing and the display for allowing the display to rotate relative to the housing and the flip cover in a plane about an axis perpendicular longitudinal axis of the housing.

7. A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the display is mounted to the housing at a position along the longitudinal axis of the housing.

8. A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the display is mounted to the housing at a position spaced from the longitudinal axis of the housing.

9. A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the rotational joint allows the display to rotate by at least about degrees.

10. A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the user input means of the housing and the flip cover comprises a keypad apparatus disposed within the housing and the flip cover, the keypad apparatus also electrically connected to the electronic components in the housing so that tactile input can be received.